

# Senate Study Bill 3213 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON SCHNEIDER)

## A BILL FOR

- 1 An Act relating to appropriations to the justice system.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 167, section 27, is amended to read as follows:

SEC. 27. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

|       |      |                      |
|-------|------|----------------------|
| ..... | \$   | <del>3,336,154</del> |
|       |      | <u>6,392,238</u>     |
| ..... | FTEs | 215.00               |

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

|       |    |                      |
|-------|----|----------------------|
| ..... | \$ | <del>2,508,354</del> |
|       |    | <u>5,016,708</u>     |

The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in [section 915.94](#) may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions

1 of the department of justice. In addition to the full-time  
 2 equivalent positions authorized pursuant to this paragraph,  
 3 5.00 full-time equivalent positions are authorized and shall  
 4 be used by the department of justice to employ one accountant  
 5 and four program planners. The department of justice may  
 6 employ the additional 5.00 full-time equivalent positions  
 7 authorized pursuant to this paragraph that are in excess of the  
 8 number of full-time equivalent positions authorized only if  
 9 the department of justice receives sufficient federal moneys  
 10 to maintain employment for the additional full-time equivalent  
 11 positions during the current fiscal year. The department  
 12 of justice shall only employ the additional 5.00 full-time  
 13 equivalent positions in succeeding fiscal years if sufficient  
 14 federal moneys are received during each of those succeeding  
 15 fiscal years.

16 The department of justice shall transfer at least \$150,000  
 17 from the victim compensation fund established in [section 915.94](#)  
 18 to the victim assistance grant program.

19 Notwithstanding [section 8.33](#), moneys appropriated in this  
 20 paragraph "b" that remain unencumbered or unobligated at the  
 21 close of the fiscal year shall not revert but shall remain  
 22 available for expenditure for the purposes designated until the  
 23 close of the succeeding fiscal year.

24 c. For legal services for persons in poverty grants as  
 25 provided in [section 13.34](#):

|          |                         |
|----------|-------------------------|
| 26 ..... | \$ <del>1,152,301</del> |
| 27       | <u>2,206,199</u>        |

28 2. a. The department of justice, in submitting budget  
 29 estimates for the fiscal year commencing July 1, 2019, pursuant  
 30 to [section 8.23](#), shall include a report of funding from sources  
 31 other than amounts appropriated directly from the general fund  
 32 of the state to the department of justice or to the office of  
 33 consumer advocate. These funding sources shall include but  
 34 are not limited to reimbursements from other state agencies,  
 35 commissions, boards, or similar entities, and reimbursements

1 from special funds or internal accounts within the department  
2 of justice. The department of justice shall also report actual  
3 reimbursements for the fiscal year commencing July 1, 2017,  
4 and actual and expected reimbursements for the fiscal year  
5 commencing July 1, 2018.

6 b. The department of justice shall include the report  
7 required under paragraph "a", as well as information regarding  
8 any revisions occurring as a result of reimbursements actually  
9 received or expected at a later date, in a report to the  
10 co-chairpersons and ranking members of the joint appropriations  
11 subcommittee on the justice system and the legislative services  
12 agency. The department of justice shall submit the report on  
13 or before January 15, 2019.

14 3. a. The department of justice shall fully reimburse  
15 the costs and necessary related expenses incurred by the Iowa  
16 law enforcement academy to continue to employ one additional  
17 instructor position who shall provide training for ~~domestic~~  
18 ~~abuse and~~ human trafficking-related issues throughout the  
19 state.

20 b. The department of justice shall obtain the moneys  
21 necessary to reimburse the Iowa law enforcement academy to  
22 employ such an instructor from unrestricted moneys from either  
23 the victim compensation fund established in [section 915.94](#), the  
24 human trafficking victim fund established in [section 915.95](#), or  
25 the human trafficking enforcement fund established in 2015 Iowa  
26 Acts, chapter 138, section 141.

27 Sec. 2. 2017 Iowa Acts, chapter 167, section 28, is amended  
28 to read as follows:

29 SEC. 28. OFFICE OF CONSUMER ADVOCATE. There is appropriated  
30 from the department of commerce revolving fund created in  
31 section 546.12 to the office of consumer advocate of the  
32 department of justice for the fiscal year beginning July 1,  
33 2018, and ending June 30, 2019, the following amount, or so  
34 much thereof as is necessary, to be used for the purposes  
35 designated:

1 For salaries, support, maintenance, and miscellaneous  
 2 purposes, and for not more than the following full-time  
 3 equivalent positions:

|         |      |                      |
|---------|------|----------------------|
| 4 ..... | \$   | <del>1,568,794</del> |
| 5       |      | <u>3,137,588</u>     |
| 6 ..... | FTEs | 22.00                |

7 Sec. 3. 2017 Iowa Acts, chapter 167, section 29, is amended  
 8 to read as follows:

9 SEC. 29. DEPARTMENT OF CORRECTIONS — FACILITIES.

10 1. There is appropriated from the general fund of the state  
 11 to the department of corrections for the fiscal year beginning  
 12 July 1, 2018, and ending June 30, 2019, the following amounts,  
 13 or so much thereof as is necessary, to be used for the purposes  
 14 designated:

15 a. For the operation of the Fort Madison correctional  
 16 facility, including salaries, support, maintenance, and  
 17 miscellaneous purposes:

|          |    |                       |
|----------|----|-----------------------|
| 18 ..... | \$ | <del>21,359,525</del> |
| 19       |    | <u>40,709,469</u>     |

20 b. For the operation of the Anamosa correctional facility,  
 21 including salaries, support, maintenance, and miscellaneous  
 22 purposes:

|          |    |                       |
|----------|----|-----------------------|
| 23 ..... | \$ | <del>16,413,582</del> |
| 24       |    | <u>31,874,128</u>     |

25 c. For the operation of the Oakdale correctional facility,  
 26 including salaries, support, maintenance, and miscellaneous  
 27 purposes:

|          |    |                       |
|----------|----|-----------------------|
| 28 ..... | \$ | <del>29,745,767</del> |
| 29       |    | <u>60,770,579</u>     |

30 d. For the operation of the Newton correctional facility,  
 31 including salaries, support, maintenance, and miscellaneous  
 32 purposes:

|          |    |                       |
|----------|----|-----------------------|
| 33 ..... | \$ | <del>13,830,610</del> |
| 34       |    | <u>27,808,195</u>     |

35 e. For the operation of the Mount Pleasant correctional

1 facility, including salaries, support, maintenance, and  
2 miscellaneous purposes:  
3 ..... \$ ~~12,338,207~~  
4 25,296,244

5 f. For the operation of the Rockwell City correctional  
6 facility, including salaries, support, maintenance, and  
7 miscellaneous purposes:  
8 ..... \$ ~~4,860,229~~  
9 10,364,555

10 g. For the operation of the Clarinda correctional facility,  
11 including salaries, support, maintenance, and miscellaneous  
12 purposes:  
13 ..... \$ ~~12,542,703~~  
14 24,557,503

15 Moneys received by the department of corrections as  
16 reimbursement for services provided to the Clarinda youth  
17 corporation are appropriated to the department and shall be  
18 used for the purpose of operating the Clarinda correctional  
19 facility.

20 h. For the operation of the Mitchellville correctional  
21 facility, including salaries, support, maintenance, and  
22 miscellaneous purposes:  
23 ..... \$ ~~11,197,045~~  
24 22,390,362

25 i. For the operation of the Fort Dodge correctional  
26 facility, including salaries, support, maintenance, and  
27 miscellaneous purposes:  
28 ..... \$ ~~14,883,498~~  
29 29,392,788

30 j. For reimbursement of counties for temporary confinement  
31 of prisoners, as provided in sections 901.7, 904.908, and  
32 906.17, and for offenders confined pursuant to section 904.513:  
33 ..... \$ ~~787,546~~  
34 1,575,092

35 k. For federal prison reimbursement, reimbursements for

1 out-of-state placements, and miscellaneous contracts:

2 ..... \$ ~~242,206~~  
3 484,411

4 2. The department of corrections shall use moneys  
5 appropriated in subsection 1 to continue to contract for the  
6 services of a Muslim imam and a Native American spiritual  
7 leader.

8 Sec. 4. 2017 Iowa Acts, chapter 167, section 30, is amended  
9 to read as follows:

10 SEC. 30. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

11 There is appropriated from the general fund of the state to the  
12 department of corrections for the fiscal year beginning July  
13 1, 2018, and ending June 30, 2019, the following amounts, or  
14 so much thereof as is necessary, to be used for the purposes  
15 designated:

16 1. For general administration, including salaries and the  
17 adjustment of salaries throughout the department, support,  
18 maintenance, employment of an education director to administer  
19 a centralized education program for the correctional system,  
20 and miscellaneous purposes:

21 ..... \$ ~~2,576,953~~  
22 8,446,968

23 a. It is the intent of the general assembly that each  
24 lease negotiated by the department of corrections with a  
25 private corporation for the purpose of providing private  
26 industry employment of inmates in a correctional institution  
27 shall prohibit the private corporation from utilizing inmate  
28 labor for partisan political purposes for any person seeking  
29 election to public office in this state and that a violation  
30 of this requirement shall result in a termination of the lease  
31 agreement.

32 b. It is the intent of the general assembly that as a  
33 condition of receiving the appropriation provided in this  
34 subsection the department of corrections shall not enter into  
35 a lease or contractual agreement pursuant to [section 904.809](#)

1 with a private corporation for the use of building space for  
 2 the purpose of providing inmate employment without providing  
 3 that the terms of the lease or contract establish safeguards to  
 4 restrict, to the greatest extent feasible, access by inmates  
 5 working for the private corporation to personal identifying  
 6 information of citizens.

7 2. For educational programs for inmates at state penal  
 8 institutions:

9 ..... \$ ~~1,304,055~~  
 10 2,608,109

11 a. To maximize the funding for educational programs,  
 12 the department shall establish guidelines and procedures to  
 13 prioritize the availability of educational and vocational  
 14 training for inmates based upon the goal of facilitating an  
 15 inmate's successful release from the correctional institution.

16 b. The director of the department of corrections may  
 17 transfer moneys from Iowa prison industries and the canteen  
 18 operating funds established pursuant to [section 904.310](#), for  
 19 use in educational programs for inmates.

20 c. Notwithstanding [section 8.33](#), moneys appropriated in  
 21 this subsection that remain unobligated or unexpended at the  
 22 close of the fiscal year shall not revert but shall remain  
 23 available to be used only for the purposes designated in this  
 24 subsection until the close of the succeeding fiscal year.

25 3. For the development of the Iowa corrections offender  
 26 network (ICON) data system:

27 ..... \$ ~~1,000,000~~  
 28 2,000,000

29 4. For offender mental health and substance abuse  
 30 treatment:

31 ..... \$ ~~14,033~~  
 32 28,065

33 ~~5. For department-wide duties, including operations, costs,~~  
 34 ~~and miscellaneous purposes:~~

35 ..... \$ ~~648,947~~



1     Sec. 5. 2017 Iowa Acts, chapter 167, section 31, is amended  
2 to read as follows:

3     SEC. 31. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL  
4 SERVICES.

5     1. There is appropriated from the general fund of the state  
6 to the department of corrections for the fiscal year beginning  
7 July 1, 2018, and ending June 30, 2019, for salaries, support,  
8 maintenance, and miscellaneous purposes, the following amounts,  
9 or so much thereof as is necessary, to be used for the purposes  
10 designated:

11     a. For the first judicial district department of  
12 correctional services:

13 ..... \$ ~~7,318,383~~  
14 14,653,435

15     It is the intent of the general assembly that the first  
16 judicial district department of correctional services maintain  
17 the drug courts operated by the district department.

18     b. For the second judicial district department of  
19 correctional services:

20 ..... \$ ~~5,691,870~~  
21 11,330,642

22     It is the intent of the general assembly that the second  
23 judicial district department of correctional services establish  
24 and maintain two drug courts to be operated by the district  
25 department.

26     c. For the third judicial district department of  
27 correctional services:

28 ..... \$ ~~3,583,979~~  
29 7,103,324

30     d. For the fourth judicial district department of  
31 correctional services:

32 ..... \$ ~~2,789,961~~  
33 5,628,707

34     e. For the fifth judicial district department of  
35 correctional services, including funding for electronic

1 monitoring devices for use on a statewide basis:

2 ..... \$ ~~10,428,970~~  
3 21,363,555

4 It is the intent of the general assembly that the fifth  
5 judicial district department of correctional services maintain  
6 the drug court operated by the district department.

7 f. For the sixth judicial district department of  
8 correctional services:

9 ..... \$ ~~7,356,583~~  
10 14,580,498

11 It is the intent of the general assembly that the sixth  
12 judicial district department of correctional services maintain  
13 the drug court operated by the district department.

14 g. For the seventh judicial district department of  
15 correctional services:

16 ..... \$ ~~3,888,671~~  
17 7,707,214

18 It is the intent of the general assembly that the seventh  
19 judicial district department of correctional services maintain  
20 the drug court operated by the district department.

21 h. For the eighth judicial district department of  
22 correctional services:

23 ..... \$ ~~4,042,261~~  
24 8,011,624

25 2. Each judicial district department of correctional  
26 services, within the funding available, shall continue programs  
27 and plans established within that district to provide for  
28 intensive supervision, sex offender treatment, diversion of  
29 low-risk offenders to the least restrictive sanction available,  
30 job development, and expanded use of intermediate criminal  
31 sanctions.

32 3. Each judicial district department of correctional  
33 services shall provide alternatives to prison consistent with  
34 chapter 901B. The alternatives to prison shall ensure public  
35 safety while providing maximum rehabilitation to the offender.

1 A judicial district department of correctional services may  
2 also establish a day program.

3 4. The governor's office of drug control policy shall  
4 consider federal grants made to the department of corrections  
5 for the benefit of each of the eight judicial district  
6 departments of correctional services as local government  
7 grants, as defined pursuant to federal regulations.

8 5. The department of corrections shall continue to contract  
9 with a judicial district department of correctional services to  
10 provide for the rental of electronic monitoring equipment which  
11 shall be available statewide.

12 6. Notwithstanding this section, and as a condition of  
13 receiving the appropriation in this section, each judicial  
14 district department of correctional services shall not expend  
15 moneys appropriated in this section on the implementation,  
16 development, or use of pretrial risk assessments, and shall  
17 terminate any pretrial risk assessment pilot programs by  
18 December 31, 2018, until such time that the use of pretrial  
19 risk assessments are authorized by the general assembly.

20 Sec. 6. 2017 Iowa Acts, chapter 167, section 36, is amended  
21 to read as follows:

22 SEC. 36. IOWA LAW ENFORCEMENT ACADEMY.

23 1. There is appropriated from the general fund of the  
24 state to the Iowa law enforcement academy for the fiscal year  
25 beginning July 1, 2018, and ending June 30, 2019, the following  
26 amount, or so much thereof as is necessary, to be used for the  
27 purposes designated:

28 For salaries, support, maintenance, and miscellaneous  
29 purposes, including jailer training and technical assistance,  
30 and for not more than the following full-time equivalent  
31 positions:

|          |      |                  |
|----------|------|------------------|
| 32 ..... | \$   | 477,378          |
| 33 ..... |      | <u>946,149</u>   |
| 34 ..... | FTEs | <del>25.00</del> |
| 35 ..... |      | <u>26.00</u>     |

1     The Iowa law enforcement academy may temporarily exceed and  
2 draw more than the amount appropriated in this subsection and  
3 incur a negative cash balance as long as there are receivables  
4 equal to or greater than the negative balance and the amount  
5 appropriated in this subsection is not exceeded at the close  
6 of the fiscal year.

7     2. The Iowa law enforcement academy may select at least  
8 five automobiles of the department of public safety, division  
9 of state patrol, prior to turning over the automobiles to  
10 the department of administrative services to be disposed  
11 of by public auction, and the Iowa law enforcement academy  
12 may exchange any automobile owned by the academy for each  
13 automobile selected if the selected automobile is used in  
14 training law enforcement officers at the academy. However, any  
15 automobile exchanged by the academy shall be substituted for  
16 the selected vehicle of the department of public safety and  
17 sold by public auction with the receipts being deposited in the  
18 depreciation fund to the credit of the department of public  
19 safety, division of state patrol.

20     3. The Iowa law enforcement academy shall provide training  
21 for domestic abuse and human trafficking-related issues  
22 throughout the state. The training shall be offered at no  
23 cost to the attendees and the training shall not replace any  
24 existing domestic abuse or human trafficking training offered  
25 by the academy.

26     Sec. 7. 2017 Iowa Acts, chapter 167, section 37, is amended  
27 to read as follows:

28     SEC. 37. STATE PUBLIC DEFENDER. There is appropriated from  
29 the general fund of the state to the office of the state public  
30 defender of the department of inspections and appeals for the  
31 fiscal year beginning July 1, 2018, and ending June 30, 2019,  
32 the following amounts, or so much thereof as is necessary, to  
33 be used for the purposes designated:

34     1. For salaries, support, maintenance, and miscellaneous  
35 purposes, and for not more than the following full-time

1 equivalent positions:

2 ..... \$ ~~13,091,122~~  
 3 26,646,202  
 4 ..... FTEs 223.00

5 2. For payments on behalf of eligible adults and juveniles  
 6 from the indigent defense fund, in accordance with section  
 7 815.11:

8 ..... \$ ~~16,722,224~~  
 9 37,444,448

10 Sec. 8. 2017 Iowa Acts, chapter 167, section 38, is amended  
 11 to read as follows:

12 SEC. 38. BOARD OF PAROLE. There is appropriated from the  
 13 general fund of the state to the board of parole for the fiscal  
 14 year beginning July 1, 2018, and ending June 30, 2019, the  
 15 following amount, or so much thereof as is necessary, to be  
 16 used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous  
 18 purposes, and for not more than the following full-time  
 19 equivalent positions:

20 ..... \$ 595,866  
 21 1,191,731  
 22 ..... FTEs 10.75

23 Sec. 9. 2017 Iowa Acts, chapter 167, section 39, is amended  
 24 to read as follows:

25 SEC. 39. DEPARTMENT OF PUBLIC DEFENSE.

26 1. There is appropriated from the general fund of the  
 27 state to the department of public defense, for the fiscal year  
 28 beginning July 1, 2018, and ending June 30, 2019, the following  
 29 amounts, or so much thereof as is necessary, to be used for the  
 30 purposes designated:

31 For salaries, support, maintenance, and miscellaneous  
 32 purposes, and for not more than the following full-time  
 33 equivalent positions:

34 ..... \$ ~~3,111,662~~  
 35 6,164,131

1 ..... FTEs 248.00

2 2. The department of public defense may temporarily exceed  
3 and draw more than the amount appropriated in this section and  
4 incur a negative cash balance as long as there are receivables  
5 of federal funds equal to or greater than the negative balance  
6 and the amount appropriated in this section is not exceeded at  
7 the close of the fiscal year.

8 Sec. 10. 2017 Iowa Acts, chapter 167, section 40, is amended  
9 to read as follows:

10 SEC. 40. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY  
11 MANAGEMENT.

12 1. There is appropriated from the general fund of the state  
13 to the department of homeland security and emergency management  
14 for the fiscal year beginning July 1, 2018, and ending June  
15 30, 2019, the following amounts, or so much thereof as is  
16 necessary, to be used for the purposes designated:

17 For salaries, support, maintenance, and miscellaneous  
18 purposes, and for not more than the following full-time  
19 equivalent positions:

|          |      |                  |
|----------|------|------------------|
| 20 ..... | \$   | 1,060,964        |
| 21 ..... |      | <u>2,102,797</u> |
| 22 ..... | FTEs | 33.87            |

23 2. The department of homeland security and emergency  
24 management may temporarily exceed and draw more than the amount  
25 appropriated in this section and incur a negative cash balance  
26 as long as there are receivables of federal funds equal to or  
27 greater than the negative balance and the amount appropriated  
28 in this section is not exceeded at the close of the fiscal  
29 year.

30 Sec. 11. 2017 Iowa Acts, chapter 167, section 41, is amended  
31 to read as follows:

32 SEC. 41. DEPARTMENT OF PUBLIC SAFETY. There is appropriated  
33 from the general fund of the state to the department of public  
34 safety for the fiscal year beginning July 1, 2018, and ending  
35 June 30, 2019, the following amounts, or so much thereof as is

1 necessary, to be used for the purposes designated:

2 1. For the department's administrative functions, including  
3 the criminal justice information system, and for not more than  
4 the following full-time equivalent positions:

|         |      |                      |
|---------|------|----------------------|
| 5 ..... | \$   | <del>2,071,566</del> |
| 6 ..... |      | <u>4,734,703</u>     |
| 7 ..... | FTEs | 37.00                |

8 2. For the division of criminal investigation, including  
9 the criminalistics laboratory fund created in section 691.9,  
10 and the state's contribution to the peace officers' retirement,  
11 accident, and disability system provided in chapter 97A in the  
12 amount of the state's normal contribution rate, as defined in  
13 section 97A.8, multiplied by the salaries for which the moneys  
14 are appropriated, to meet federal fund matching requirements,  
15 and for not more than the following full-time equivalent  
16 positions:

|          |      |                      |
|----------|------|----------------------|
| 17 ..... | \$   | <del>6,795,272</del> |
| 18 ..... |      | <u>14,965,428</u>    |
| 19 ..... | FTEs | <del>160.00</del>    |
| 20 ..... |      | <u>164.00</u>        |

21 a. As a condition of receiving the appropriation in this  
22 subsection, the division of criminal investigation shall employ  
23 4.0 full-time equivalent positions to assist in expediting the  
24 processing and analysis of DNA samples.

25 b. The division of criminal investigation may employ two of  
26 the three additional full-time equivalent positions authorized  
27 pursuant to this subsection that are in excess of the number  
28 of full-time equivalent positions authorized for the previous  
29 fiscal year only if the division of criminal investigation  
30 receives sufficient federal moneys to maintain employment for  
31 the additional 2.00 full-time equivalent positions during the  
32 current fiscal year. The division of criminal investigation  
33 shall only employ the additional 2.00 full-time equivalent  
34 positions in succeeding fiscal years if sufficient federal  
35 moneys are received during each of those succeeding fiscal

1 years.

2 ~~3. For the criminalistics laboratory fund created in~~  
 3 ~~section 691.9:~~

4 ..... \$ ~~151,173~~

5 4. a. For the division of narcotics enforcement, including  
 6 the state's contribution to the peace officers' retirement,  
 7 accident, and disability system provided in ~~chapter 97A~~ in the  
 8 amount of the state's normal contribution rate, as defined in  
 9 section 97A.8, multiplied by the salaries for which the moneys  
 10 are appropriated, to meet federal fund matching requirements,  
 11 and for not more than the following full-time equivalent  
 12 positions:

|          |      |                      |
|----------|------|----------------------|
| 13 ..... | \$   | <del>3,726,650</del> |
| 14 ..... |      | <u>7,785,873</u>     |
| 15 ..... | FTEs | 66.50                |

16 The division of narcotics enforcement may employ an  
 17 additional 1.00 full-time equivalent position authorized  
 18 pursuant to this lettered paragraph that is in excess of  
 19 the number of full-time equivalent positions authorized for  
 20 the previous fiscal year only if the division of narcotics  
 21 enforcement receives sufficient federal moneys to maintain  
 22 employment for the additional full-time equivalent position  
 23 during the current fiscal year. The division of narcotics  
 24 enforcement shall only employ the additional full-time  
 25 equivalent position in succeeding fiscal years if sufficient  
 26 federal moneys are received during each of those succeeding  
 27 fiscal years.

28 b. For the division of narcotics enforcement for undercover  
 29 purchases:

|          |    |                   |
|----------|----|-------------------|
| 30 ..... | \$ | <del>54,521</del> |
| 31 ..... |    | <u>209,042</u>    |

32 5. For the division of state fire marshal, for fire  
 33 protection services as provided through the state fire service  
 34 and emergency response council as created in the department,  
 35 and for the state's contribution to the peace officers'



1 retirement, accident, and disability system provided in chapter  
 2 97A in the amount of the state's normal contribution rate,  
 3 as defined in [section 97A.8](#), multiplied by the salaries for  
 4 which the moneys are appropriated, and for not more than the  
 5 following full-time equivalent positions:

|         |      |                      |
|---------|------|----------------------|
| 6 ..... | \$   | <del>2,343,357</del> |
| 7       |      | <u>4,965,056</u>     |
| 8 ..... | FTEs | 53.00                |

9 As a condition of receiving the appropriation in this  
 10 subsection, the commissioner of the department of public safety  
 11 shall appoint the administrator of the fire service training  
 12 bureau of the division of state fire marshal as provided in  
 13 section 100B.7.

14 6. For the division of state patrol, for salaries, support,  
 15 maintenance, workers' compensation costs, and miscellaneous  
 16 purposes, including the state's contribution to the peace  
 17 officers' retirement, accident, and disability system provided  
 18 in [chapter 97A](#) in the amount of the state's normal contribution  
 19 rate, as defined in [section 97A.8](#), multiplied by the salaries  
 20 for which the moneys are appropriated, and for not more than  
 21 the following full-time equivalent positions:

|          |      |                       |
|----------|------|-----------------------|
| 22 ..... | \$   | <del>30,683,170</del> |
| 23       |      | <u>63,926,287</u>     |
| 24 ..... | FTEs | 511.40                |

25 It is the intent of the general assembly that members of the  
 26 state patrol be assigned to patrol the highways and roads in  
 27 lieu of assignments for inspecting school buses for the school  
 28 districts.

29 7. For deposit in the sick leave benefits fund established  
 30 under [section 80.42](#) for all departmental employees eligible to  
 31 receive benefits for accrued sick leave under the collective  
 32 bargaining agreement:

|          |    |                    |
|----------|----|--------------------|
| 33 ..... | \$ | <del>139,759</del> |
| 34       |    | <u>279,517</u>     |

35 8. For costs associated with the training and equipment

1 needs of volunteer fire fighters:

2 ..... \$ 412,760  
 3 825,520

4 a. Notwithstanding [section 8.33](#), moneys appropriated in  
 5 this subsection that remain unencumbered or unobligated at the  
 6 close of the fiscal year shall not revert but shall remain  
 7 available for expenditure only for the purpose designated in  
 8 this subsection until the close of the succeeding fiscal year.

9 b. Notwithstanding [section 8.39](#), the department of public  
 10 safety may reallocate moneys appropriated in this section  
 11 as necessary to best fulfill the needs provided for in the  
 12 appropriation. However, the department shall not reallocate  
 13 moneys appropriated to the department in this section unless  
 14 notice of the reallocation is given to the legislative services  
 15 agency and the department of management prior to the effective  
 16 date of the reallocation. The notice shall include information  
 17 regarding the rationale for reallocating the moneys. The  
 18 department shall not reallocate moneys appropriated in this  
 19 section for the purpose of eliminating any program.

20 9. For the public safety interoperable and broadband  
 21 communications fund established in [section 80.44](#):

22 ..... \$ 57,831  
 23 115,661

24 10. For the office to combat human trafficking established  
 25 pursuant to [section 80.45](#) as enacted by 2016 Iowa Acts, chapter  
 26 1077, section 1, including salaries, support, maintenance,  
 27 miscellaneous purposes, and for not more than the following  
 28 full-time equivalent positions:

29 ..... \$ 75,000  
 30 150,000  
 31 ..... FTEs 2.00

32 ~~11. For department-wide duties, including operations,~~  
 33 ~~costs, and miscellaneous purposes:~~

34 ..... \$ ~~917,487~~

35 Sec. 12. 2017 Iowa Acts, chapter 167, section 42, is amended

1 to read as follows:

2 SEC. 42. GAMING ENFORCEMENT.

3 1. There is appropriated from the gaming enforcement  
4 revolving fund created in [section 80.43](#) to the department of  
5 public safety for the fiscal year beginning July 1, 2018, and  
6 ending June 30, 2019, the following amount, or so much thereof  
7 as is necessary, to be used for the purposes designated:

8 For any direct support costs for agents and officers of  
9 the division of criminal investigation's excursion gambling  
10 boat, gambling structure, and racetrack enclosure enforcement  
11 activities, including salaries, support, maintenance, and  
12 miscellaneous purposes, and for not more than the following  
13 full-time equivalent positions:

|          |      |                      |
|----------|------|----------------------|
| 14 ..... | \$   | <del>4,872,636</del> |
| 15 ..... |      | <u>10,239,218</u>    |
| 16 ..... | FTEs | 73.00                |

17 2. For each additional license to conduct gambling games on  
18 an excursion gambling boat, gambling structure, or racetrack  
19 enclosure issued during the fiscal year beginning July 1, 2018,  
20 there is appropriated from the gaming enforcement fund to the  
21 department of public safety for the fiscal year beginning July  
22 1, 2018, and ending June 30, 2019, an additional amount of not  
23 more than \$300,000 to be used for not more than 3.00 additional  
24 full-time equivalent positions.

25 3. The department of public safety, with the approval of the  
26 department of management, may employ no more than three special  
27 agents for each additional riverboat or gambling structure  
28 regulated after July 1, 2018, and three special agents for  
29 each racing facility which becomes operational during the  
30 fiscal year which begins July 1, 2018. Positions authorized  
31 in this subsection are in addition to the full-time equivalent  
32 positions otherwise authorized in this section.

33 Sec. 13. 2017 Iowa Acts, chapter 167, section 43, is amended  
34 to read as follows:

35 SEC. 43. CIVIL RIGHTS COMMISSION.

1     1. There is appropriated from the general fund of the state  
 2 to the Iowa state civil rights commission for the fiscal year  
 3 beginning July 1, 2018, and ending June 30, 2019, the following  
 4 amount, or so much thereof as is necessary, to be used for the  
 5 purposes designated:

6     For salaries, support, maintenance, and miscellaneous  
 7 purposes, and for not more than the following full-time  
 8 equivalent positions:

|          |      |                    |
|----------|------|--------------------|
| 9 .....  | \$   | <del>578,531</del> |
| 10 ..... |      | <u>1,146,631</u>   |
| 11 ..... | FTEs | 30.00              |

12     2. The Iowa state civil rights commission may enter into  
 13 a contract with a nonprofit organization to provide legal  
 14 assistance to resolve civil rights complaints.

15     Sec. 14. 2017 Iowa Acts, chapter 167, section 44, is amended  
 16 to read as follows:

17     SEC. 44. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

18     1. There is appropriated from the general fund of the state  
 19 to the criminal and juvenile justice planning division of the  
 20 department of human rights for the fiscal year beginning July  
 21 1, 2018, and ending June 30, 2019, the following amount or  
 22 so much thereof as is necessary, to be used for the purposes  
 23 designated:

24     For salaries, support, maintenance, and miscellaneous  
 25 purposes, and for not more than the following full-time  
 26 equivalent positions:

|          |      |                    |
|----------|------|--------------------|
| 27 ..... | \$   | <del>593,917</del> |
| 28 ..... |      | <u>1,177,143</u>   |
| 29 ..... | FTEs | 9.56               |

30     2. The criminal and juvenile justice planning advisory  
 31 council and the juvenile justice advisory council shall  
 32 coordinate their efforts in carrying out their respective  
 33 duties relative to juvenile justice.

34     Sec. 15. 2017 Iowa Acts, chapter 167, section 45, is amended  
 35 to read as follows:

1 SEC. 45. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY  
2 MANAGEMENT. There is appropriated from the ~~E911~~ 911 emergency  
3 communications fund created in section 34A.7A to the department  
4 of homeland security and emergency management for the fiscal  
5 year beginning July 1, 2018, and ending June 30, 2019, the  
6 following amount, or so much thereof as is necessary, to be  
7 used for the purposes designated:

8 For implementation, support, and maintenance of the  
9 functions of the administrator and program manager under  
10 chapter 34A and to employ the auditor of the state to perform  
11 an annual audit of the ~~E911~~ 911 emergency communications fund:  
12 ..... \$ 125,000  
13 250,000

14       Sec. 16. 2017 Iowa Acts, chapter 167, is amended by adding  
15 the following new sections:

16     NEW SECTION.   SEC. 46. REGIONAL HOUSING PROJECT. There is  
17 appropriated from the Iowa skilled worker and job creation fund  
18 created in section 8.75 to the department of corrections for  
19 the fiscal year beginning July 1, 2018, and ending June 30,  
20 2019, the following amount, or so much thereof as is necessary,  
21 to be used for the purposes designated:

22 For implementation, support, maintenance, and capital  
23 construction costs to develop a regional housing building  
24 project:

25 ..... \$ 1,000,000

26 For purposes of section 8.33, unless specifically provided  
27 otherwise, unencumbered or unobligated moneys remaining from  
28 the appropriation in this section, shall not revert but shall  
29 remain available for expenditure for the purposes designated  
30 until the close of the fiscal year that ends three years after  
31 the end of the fiscal year for which the appropriation is made.  
32 However, if the project or projects for which the appropriation  
33 was made are completed in an earlier fiscal year, unencumbered  
34 or unobligated moneys shall revert at the close of that same  
35 fiscal year.

1     NEW SECTION.   SEC. 47.   CONSUMER EDUCATION AND  
2 LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND  
3 CLAIMS. Notwithstanding section 714.16C, there is appropriated  
4 from the consumer education and litigation fund to the  
5 department of justice for the fiscal year beginning July 1,  
6 2018, and ending June 30, 2019, the following amount, or so  
7 much thereof as is necessary, to be used for the purposes  
8 designated:

9       a. For farm mediation services as specified in section  
10 13.13, subsection 2:

11 ..... \$ 300,000

b. For salaries, support, maintenance, and miscellaneous purposes for criminal prosecutions, criminal appeals, and performing duties pursuant to chapter 669:

15 ..... \$ 1,000,000

16      Sec. 17. Section 13.2, subsection 1, paragraph g, Code 2018,  
17 is amended by striking the paragraph.

18       Sec. 18.   NEW SECTION.   80.46   Public safety support trust  
19 fund.

1. A public safety support trust fund is established in the state treasury under the control of the department. The department may receive and accept donations, grants, loans, and contributions in accordance with section 565.3 from any public or private source for deposit into the trust fund. Moneys credited to the trust fund are appropriated to the department for the purpose of supporting the activities of the department.

27       2. Notwithstanding section 8.33, moneys in the trust fund  
28 shall not revert. Notwithstanding section 12C.7, subsection  
29 2, interest or earnings on moneys deposited in the trust fund  
30 shall be credited to the trust fund.

## DIVISION II

## PRISON LIBRARIES

33       Sec. 19. Section 904.310A, Code 2018, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 904.310A Information or materials — distribution.

1     1. Funds appropriated to the department or other funds made  
2 available to the department shall not be used to distribute  
3 or make available any commercially published information or  
4 material to an inmate when such information or material is  
5 sexually explicit or features nudity.

6     2. The department shall adopt rules pursuant to chapter 17A  
7 to administer this section.

8                                   DIVISION III

9                                   SMALL CLAIMS COURT JURISDICTION

10     Sec. 20. Section 631.1, subsections 1, 3, 4, 5, 7, and 8,  
11 Code 2018, are amended to read as follows:

12     1. The following actions or claims are small claims and  
13 shall be commenced, heard and determined as provided in this  
14 chapter:

15     a. A civil action for a money judgment where the amount in  
16 controversy is ~~four~~ five thousand dollars or less for actions  
17 commenced before July 1, ~~2002~~ 2018, exclusive of interest and  
18 costs.

19     b. A civil action for a money judgment where the amount in  
20 controversy is ~~five~~ seven thousand five hundred dollars or less  
21 for actions commenced on or after July 1, ~~2002~~ 2018, exclusive  
22 of interest and costs.

23     3. The district court sitting in small claims has concurrent  
24 jurisdiction of an action of replevin if the value of the  
25 property claimed is ~~four~~ five thousand dollars or less for  
26 actions commenced before July 1, ~~2002~~ 2018, and ~~five~~ seven  
27 thousand five hundred dollars or less for actions commenced on  
28 or after July 1, ~~2002~~ 2018. When commenced under this chapter,  
29 the action is a small claim for the purposes of this chapter.

30     4. The district court sitting in small claims has concurrent  
31 jurisdiction of motions and orders relating to executions  
32 against personal property, including garnishments, where the  
33 value of the property or garnisheed money involved is ~~four~~ five  
34 thousand dollars or less for actions commenced before July 1,  
35 ~~2002~~ 2018, and ~~five~~ seven thousand five hundred dollars or less

1 for actions commenced on or after July 1, ~~2002~~ 2018.

2     5. The district court sitting in small claims has concurrent  
3 jurisdiction of an action for abandonment of a manufactured or  
4 mobile home or personal property pursuant to [section 555B.3](#),  
5 if no money judgment in excess of ~~four~~ five thousand dollars  
6 is sought for actions commenced before July 1, ~~2002~~ 2018, and  
7 ~~five~~ seven thousand five hundred dollars or less for actions  
8 commenced on or after July 1, ~~2002~~ 2018. If commenced under  
9 this chapter, the action is a small claim for the purposes of  
10 this chapter.

11     7. The district court sitting in small claims has concurrent  
12 jurisdiction of an action for the collection of taxes brought  
13 by a county treasurer pursuant to [sections 445.3](#) and [445.4](#)  
14 where the amount in controversy is five thousand dollars or  
15 less for actions commenced ~~on or after~~ before July 1, ~~2003~~  
16 2018, and seven thousand five hundred dollars or less for  
17 actions commenced on or after July 1, 2018, exclusive of  
18 interest and costs.

19     8. The district court sitting in small claims has concurrent  
20 jurisdiction of motions and orders relating to releases of  
21 judgments in whole or in part including motions and orders  
22 under [section 624.23, subsection 2](#), paragraph "c" and section  
23 624.37, where the amount owing on the judgment, including  
24 interests and costs, is five thousand dollars or less for  
25 actions commenced before July 1, 2018, and seven thousand five  
26 hundred dollars or less for actions commenced on or after July  
27 1, 2018.

28     Sec. 21. JURISDICTIONAL AMOUNT REVERSION. The  
29 jurisdictional amount in the section of this division of this  
30 Act that amends section 631.1 shall revert to five thousand  
31 dollars if a court of competent jurisdiction declares the seven  
32 thousand five hundred dollar amount unconstitutional.

33                                   DIVISION IV

34                                   UNMANNED AERIAL VEHICLES

35     Sec. 22. NEW SECTION.   **719.9 Use of unmanned aerial vehicle**



1 — prohibitions.

2 1. As used in this section:

3 a. "*Facility*" means a county jail, municipal holding  
4 facility, secure facility for the detention or custody  
5 of juveniles, community-based correctional facility, or  
6 institution under the management of the department of  
7 corrections.

8 b. "*Unmanned aerial vehicle*" means a vehicle or device  
9 that uses aerodynamic forces to achieve flight and is piloted  
10 remotely.

11 2. A person shall not operate an unmanned aerial vehicle  
12 knowing that the unmanned aerial vehicle is operating in, on,  
13 or above a facility and any contiguous real property comprising  
14 the surrounding grounds of the facility, unless the unmanned  
15 aerial vehicle is operated by a law enforcement agency or the  
16 person has permission from the authority in charge of the  
17 facility to operate an unmanned aerial vehicle in, on, or above  
18 such facility.

19 3. A person who violates this section commits a class "D"  
20 felony.

21 DIVISION V

22 POSTCONVICTION RELIEF

23 Sec. 23. NEW SECTION. 822.10A Underlying criminal offense.

24 The court file containing the conviction for which an  
25 applicant seeks postconviction relief shall be part of the  
26 record in any action under this chapter. Upon the filing  
27 of an application for postconviction relief pursuant to  
28 section 822.3, the clerk of the district court shall make the  
29 underlying criminal file records accessible to the applicant,  
30 county attorney, and attorney general. If the criminal file  
31 records are not available in electronic format, the clerk of  
32 the district court shall convert the records to an electronic  
33 format and make the records available to the applicant, county  
34 attorney, and attorney general.

35 EXPLANATION

1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill relates to and makes appropriations to the justice  
4 system, and makes other related statutory changes.

5       DIVISION I — FY 2018-2019 APPROPRIATIONS. The bill makes  
6 appropriations from the general fund of the state for fiscal  
7 year 2018-2019 to the departments of justice, corrections,  
8 public defense, public safety, and homeland security and  
9 emergency management, and the Iowa law enforcement academy,  
10 office of the state public defender, board of parole, Iowa  
11 state civil rights commission, and the criminal and juvenile  
12 justice planning division of the department of human rights.

13       The bill appropriates moneys from the department of commerce  
14 revolving fund to the office of consumer advocate of the  
15 department of justice for fiscal year 2018-2019.

16       The bill prohibits each judicial district department of  
17 correctional services from expending moneys appropriated  
18 from the general fund of the state for salaries, support,  
19 maintenance, and miscellaneous purposes for the implementation,  
20 development, or use of pretrial risk assessments, and requires  
21 any pretrial risk assessment pilot programs to be terminated by  
22 December 31, 2018.

23       The bill requires the division of criminal investigation  
24 to employ 4.00 full-time equivalent positions to assist in  
25 expediting the processing and analysis of DNA samples.

26       The bill appropriates moneys from the general fund of the  
27 state to the criminalistics laboratory fund created in Code  
28 section 691.9 to accelerate the DNA analysis of DNA samples.

29       The bill requires the commissioner of the department of  
30 public safety to appoint an administrator of the fire service  
31 training bureau of the division of state fire marshal pursuant  
32 to Code section 100B.7 as a condition of appropriation to the  
33 division of state fire marshal.

34       The bill also appropriates moneys from the gaming  
35 enforcement revolving fund to the department of public safety

1 for fiscal year 2018-2019.

2 The bill appropriates moneys from the wireless 911 emergency  
3 communications fund to the department of homeland security and  
4 emergency management for fiscal year 2018-2019.

5 The bill appropriates moneys from the Iowa skilled worker  
6 and job creation fund to the department of corrections for  
7 implementation, support, maintenance, and capital construction  
8 costs to develop a regional housing building project.

9 The bill appropriates moneys from the consumer education and  
10 litigation fund to the department of justice for farm mediation  
11 services and for criminal prosecutions, criminal appeals, and  
12 performing duties related to state tort claims.

13 The bill strikes Code section 13.2(1)(g) requiring the  
14 attorney general to report to the governor, at the time  
15 provided by law, the condition of the attorney general's  
16 office, opinions rendered, and business transacted of public  
17 interest.

18 The bill establishes a public safety support trust fund  
19 in the state treasury under the control of the department of  
20 public safety. The bill permits the department of public  
21 safety to receive and accept donations, grants, loans, and  
22 contributions from any public or private source for deposit  
23 into the trust fund. Moneys credited to the trust fund are  
24 appropriated to the department of public safety for the purpose  
25 of supporting the activities of the department of public  
26 safety.

27 DIVISION II — PRISON LIBRARIES. The bill strikes a  
28 provision requiring the director of the department of  
29 corrections to provide, as necessary, suitable space for  
30 reading material for inmates. Additionally, the bill prohibits  
31 the department of corrections from using any appropriated funds  
32 or other funds made available to the department to distribute  
33 or make available any commercially published information or  
34 material to an inmate that is sexually explicit or features  
35 nudity.

1     DIVISION III — SMALL CLAIMS JURISDICTION. The bill makes  
2 jurisdictional changes to small claims court cases. The bill  
3 provides that a small claims court case commenced on or after  
4 July 1, 2018, shall not involve damages or value in excess of  
5 \$7,500. Under existing law, a small claims court case shall  
6 not involve damages or value in excess of \$5,000. The bill  
7 further provides that the jurisdictional amount shall revert  
8 to \$5,000 if a court finds the \$7,500 amount unconstitutional.  
9 By increasing the jurisdictional amount for small claims court  
10 the bill expands the jurisdiction of a magistrate or district  
11 associate judge to hear and assess judgment on certain actions,  
12 including county and city violations.

13     DIVISION IV — UNMANNED AERIAL VEHICLES. The bill defines  
14 "unmanned aerial vehicle" to mean a vehicle or device that uses  
15 aerodynamic forces to achieve flight and is piloted remotely.

16     Under the bill, a person shall not operate an unmanned  
17 aerial vehicle knowing that the unmanned aerial vehicle is  
18 operating in, on, or above such a facility and any contiguous  
19 real property comprising the surrounding grounds of the  
20 facility, unless the unmanned aerial vehicle is operated by a  
21 law enforcement agency or the person has permission from the  
22 authority in charge of the facility to operate an unmanned  
23 aerial vehicle in, on, or above such facility.

24     A person who violates the bill commits a class "D" felony. A  
25 class "D" felony is punishable by confinement for no more than  
26 five years and a fine of at least \$750 but not more than \$7,500.

27     DIVISION V — POSTCONVICTION RELIEF. The bill creates new  
28 Code section 822.10A relating to postconviction procedure. The  
29 bill provides that the court file containing the conviction  
30 for which the applicant seeks postconviction relief shall be  
31 part of the record in any action under Code chapter 822. Upon  
32 the filing of an application for postconviction relief pursuant  
33 to Code section 822.3, the clerk of the district court shall  
34 make the underlying criminal file accessible to the applicant,  
35 county attorney, and attorney general. If the criminal file

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1 records are not available in electronic format, the division  
2 requires the clerk of the district court to convert the records  
3 to an electronic format and make the records available to the  
4 applicant, county attorney, and attorney general.